REMARKS

Upon entry of this Amendment, claims 13-31 remain in the Application. Claims 1-12 have been withdrawn. Claims 13, 23, 26, and 27 have been amended by this action. Entry of this Amendment is respectfully requested.

The Office Action of September 12, 2007 has been received and carefully considered. In response thereto, this Amendment is submitted. It is submitted that, by this Amendment, all bases of rejection and objection are traversed and overcome. Reconsideration is, therefore, respectfully requested.

Claim 15 currently stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. Claim 15 has been amended by this action to address these concerns.

At the outset, the Applicants wish to thank Examiner Ruddock for the courtesies extended in the interview of December 3, 2007 conducted at the United States Patent and Trademark Office. During this interview, claim language related to independent claims 13 and 20 was discussed. Additionally, samples of the present invention as set forth in the claims were demonstrated. Additionally, the applicant prepared materials according to the disclosure set forth in the cited references Tilton and Thompson. These were presented also and discussed in conjunction with the applicability of the references to the invention as set forth in the claims. The Applicants indicated that an amendatory response summarizing this interview and providing the supporting remarks and suitable test results would be forthcoming. This Amendment addresses these open action items.

Claims 3-15, 17-21, and 23-31 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tilton in view of Thompson. The Examiner indicates that the Tilton reference discloses a liner used to insulate a vehicle door comprising a lofty fibrous pad. The lofty pad material is taken to comprise synthetic fibers including polyester fibers, polyethylene fibers, polypropylene fibers, natural fibers, and any mixtures thereof. The liner as seen in Figures 3 and 4 is taken to comprise a facing material that includes a scrim that can comprise glass fibers or polyester

fibers. The Examiner takes the position that glass fibers are hydrophobic. With regard to claims 27 and 28, the Examiner indicates that Tilton discloses that the scrim can be attached to the pad by means of an adhesive that may be a thermoplastic web. The Tilton reference is held to disclose the claimed invention except for the specific teaching that the scrim is nonwoven.

The Thompson reference is cited as disclosing an acoustical insulating web in a method for attenuating sound waves that comprises a laminate of a nonwoven insulation web comprising thermoplastic fibers and a scrim layer. The laminate is adapted to be applied to the inner panel of the vehicle door. The nonwoven web comprises thermoplastic fibers and the scrim is taken to be spun-bond, nonwoven scrim material to promote the integrity of the laminate. The Examiner concludes that it would have been obvious to one of ordinary skill in the art to have made the scrim of Tilton be a spun-bond, nonwoven, as disclosed in Thompson. This is motivated by the desire to create a scrim that has cheaper processing costs and to increase the structural integrity of the laminate.

Applicants' invention as set forth in claim independent claim 13 is directed to an acoustically active watershield mountable on an automotive vehicle door in an interior cavity defined in the vehicle door. The doorshield has a first layer having a first face and a second face and a second layer in laminated relationship with the second face of the first layer. Support for the term "in laminated relationship" is found in the specification at drawing Figure 3.

It is submitted that the Tilton reference teaches a lofted material in which a region proximate to one face is densified to produce a thickened stiff region. The Tilton reference proposes densification of the respective region because the lamination is considered inferior and undesirable for the defined applications. As such, it is submitted that the Tilton reference actually directs the skilled artisan away from the use of laminated material in door shields. (See Tilton paragraph 35).

Furthermore, the material disclosed in the Tilton reference is directed to a material that lacks the air-restrictive qualities of the material employed in the first layer of the invention as set forth in claim 13. The Tilton reference teaches that the outer region is formed of a heat seared skin that closes the pores of the material making it impervious to air. (See Tilton paragraph 36) This would further direct the artisan away from the hydrophobic. air restrictive fluid repellant scrim as outlined in the Applicants' invention as set forth in claim 13. Support for this fluid repellency

limitation is found in the specification at paragraphs 11, 30, and 35. It is submitted that neither the Thompson reference nor the Tilton reference teach or suggest that the first layer be composed of a scrim that is hydrophobic, air restrictive, fluid repellant scrim.

It is generally understood that the environmental and performance challenges connected with automotive vehicle doors are numerous and varied. The automotive vehicle door typically needs to be configured to provide an essentially water-free interior environment in the passenger vehicle. This is typically accomplished by redirecting water that gets into the vehicle door body away from any interiorly directed apertures to suitable water egress apertures. Additionally, noise reduction in the passenger compartment of a vehicle is a major concern. One source of noise that can potentially be reduced is external noise transmitted through the door panel itself. Various concepts for noise reduction, particularly transmitted noise reduction, have been proposed. However the effectiveness of such prior proposals has had limitations. It is difficult to develop a sound reduction device that can function in a "wet" environment of the internal door cavity. While the internal door cavity may not be continuously wet, the internal cavity potentially is exposed to significant amounts of water during torrential downpours, exposure to automatic car wash systems and the like. Exposure to water can compromise many types of sound reduction material.

The Applicants' invention as set forth in claim 13 presents a configuration that is both acoustically active and can function as a watershield. Without being bound to any theory, it is submitted that the devices disclosed in Tilton and/or Thompson taken alone or in combination fail to teach or suggest the fluid repellency of the first layer of the device and the laminated relationship between the respective layers. To further support this, attention is directed to the declaration of Steve Lenda submitted with this amendment which outlines the preparation and evaluation of materials according to Tilton and Thompson.

The Examiner's attention is directed to the Declaration of Steve Lenda submitted simultaneously with this amendment. Mr. Lenda points out that devices made according to the present invention as claimed have found commercial success and have been adopted by Honda Motor Company for use in the Acura MDX. The acoustical doorshields as disclosed and claims herein are also going to be employed on the 2009 Pilot and all vehicle programs launched in North America in model year 2010 and beyond. (See Lenda Declaration Paragraph 2).

It is submitted that this degree of commercial acceptance serves to further support the Applicants' contention that the present in invention is not obvious over the cited references.

Furthermore, the Applicants prepared material according to the disclosure in the two respective cited references according to the methods outlined in the Lenda Declaration beginning at

paragraph 4. Material with a densified layer prepared according to the Tilton reference failed to evidence the fluid repellency of the claimed invention (see Lenda Declaration Paragraph 7).

While the material prepared according to the disclosure of Thompson exhibited fluid repellency, neither this material not the material prepares according to the disclosure of Tilton exhibited the acoustical properties of the claimed invention (see Lenda Declaration Paragraph 9-11).

Thus the conclusions that can be drawn from the analysis done by Mr. Lenda can be summarized in the following table originally presented during the December 3, 2007 interview.

PATENT CHALLENGE

Element	Tilton	Thompson	Lenda
Use as an acoustical pad in a door	X	X	X
Use of an acoustically effective air restrictive layer	X	X	X
Use as a door watershield			X
Use of a second layer of open-cell foam or lofted fibers		X	X
Use of a water barrier via SMS nonwoven			X
Use of a Fluorocarbon treatment for low surface energy fluids		?	X

Claims 14, 15, 16, 17, 19, 20, 21 and 24-31 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tilton et al. in view of Thompson. Claims 14, 15, 16, 17, 19, 20, 21 and 24-31 depend from independent claim 13 to contain all of the limitations found therein. By this dependency, it is submitted that the Applicants' invention is not taught, anticipated, or rendered obvious by the Tilton reference in view of the Thompson reference for the reasons discussed previously in support of claim 13.

Claim 18 currently stands rejected under 35 U.S.C. § 103(a) as being rendered obvious by the Tilton reference in view of the Thompson reference. The Examiner contends that, while neither Tilton nor Thompson discloses the claimed air permeability, it is reasonable to presume that air permeability is a property inherent to both the Tilton and the Thompson inventions. The Thompson reference is directed to a foil or generally planar thermoplastic film 14 adapted to act as a water barrier or shield or deflector to which the acoustical insulation web of Thompson is attached. It is respectfully submitted that the use of the film 14 negates air permeability. Tilton discloses a skin that is not breathable. Tilton particularly points out that the skin formed by heat searing closes the pores of the material making it impervious. Thus the Tilton reference contravenes any teaching of air permeability. (See Tilton, paragraph 36). Thus, it is submitted that the

Applicants' invention as set forth in claim 18 is not taught, anticipated, or rendered obvious by the Tilton and Thompson references.

Claim 23 also stands rejected under 35 U.S.C. 103(a) as being unpatentable over Tilton in view of Thompson. Claim 23 is directed to a vehicle door assembly that includes an outwardly oriented panel; an inwardly oriented panel; an interior trim panel overlaying the inwardly oriented panel; and a vehicle door shield. The vehicle door shield is positioned in the vehicle door between the inwardly oriented panel and the interior trim panel and includes an inwardly oriented layer composed of a lofted fiber pad and an outwardly oriented layer formed of a non-woven breathable, hydrophobic fluid repellant scrim, in laminated contact thereto, wherein the vehicle door shield has an inwardly oriented surface formed from the lofted fiber pad. As discussed previously, neither the Tilton nor Thompson references teach or suggest scrim that is a non-woven breathable, hydrophobic and fluid repellant. It is submitted that the invention as set forth in claim 23 is not taught, anticipated or rendered obvious by the cited references.

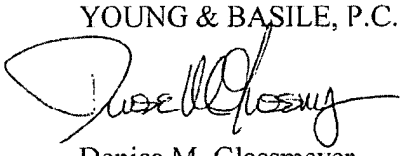
Claims 1- 12 current are withdrawn as being directed to a non-elected invention. The Applicants' indicate that they will consider rejoinder in the event that agreement can be reached on the allowability of the pending claims.

In summary claims 13, 15, 23, 26, and 27 have been amended by this action. Arguments have been presented as to why the applicants' invention as set forth in claims 13-31 is in a condition suitable for allowance, a notice of which is respectfully requested.

Additionally, the Applicant invites the Examiner to initiate telephone contact at any time such discussions would be useful in advancing prosecution in this matter.

Respectfully submitted,

YOUNG & BASILE, P.C.



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